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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,929	11/18/2003	Theodore S. Rappaport	WV00045 P01	3045
22917	7590	05/29/2007		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER MULLEN, THOMAS J	
			ART UNIT 2612	PAPER NUMBER
			NOTIFICATION DATE 05/29/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
APT099@motorola.com

Office Action Summary

Application No.

10/714,929

Applicant(s)

RAPPAPORT ET AL.

Examiner

Thomas J. Mullen, Jr.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10 and 14-16 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-7, 11-13 and 17-21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/11/04, 6/3/04, 7/2/06 (25 pp.)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: ____

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1. The patent number associated with parent application 10/386,943 should be inserted on page 1 of the specification in the appropriate place, when known; also, the patent numbers associated with related applications 09/667,689 (US 7055107) and 09/954,273 (US 7164883) should be inserted in the appropriate place.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Errors noted by the examiner include:

page 66, line 18, the right parenthesis (after "-it") is not accompanied by a left parenthesis;

page 75, line 30, "that both uniquely defines the network device but also describes..." is vaguely worded, i.e. the underlined terms are not typically used together--suggested alternatives for these terms are (i) changing "but also" to --and--, or (ii) changing "both" to --not only--;

page 85, line 5, it appears that "throughput" should be --throughout--;

page 85, line 18, it appears that "represent" should be --represents--;

page 86, line 12, "rouge" should be --rogue--;

page 89, line 22, it appears that "23-28 that any" should be --23-28, any-- (i.e., "that" is redundant in view of the use of the same term on line 21);

page 97, line 15, after "form" should be inserted --of--;

page 98, line 16, "contains" should be deleted;

page 104, line 26, after "emergency" should be inserted --is--;

page 105, line 2, before "wireless" should be inserted --each piece of-- (note, by comparison, the similar phrase on page 104, lines 28-29); and

page 105, line 3, "contain their" should be --contains its-- (note the change discussed above).

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (i.e., in the current title, the portion which reads "...For Automated Placement or Configuration of Equipment for Obtaining Desired

Network Performance Objectives..." appears to be more related to the claims of parent application 10/386,943, than to the claims of the present application).

4. The abstract of the disclosure is objected to because it should be directed to "that which is new in the art to which the invention pertains", i.e. to the claimed subject matter of the present application (as with the title discussed above, the content of the abstract appears to be more related to the claims of parent application 10/386,943, than to the claims of the present application--note the abstract phrases, "determining optimal or preferred configuration settings", "wireless post-it note device", etc). Correction is required. See MPEP § 608.01(b).

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not appear to include the following reference sign(s) mentioned in the description: 2600 (see page 87, line 28 of the specification, and Fig. 26).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. Claims 1-7, 11-13 and 17-21 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 7, it appears that "location" should be --locations--.

Claim 1, line 12, before "indicator" should be inserted --an--.

Claim 4, lines 6-7, "said display" lacks clear antecedent basis.

Claim 6, line 7, it appears that "location" should be --locations--.

Claim 6, line 10, before "storage" should be inserted --a--.

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Claim 6, line 12, before "indicator" should be inserted --an--.

Claim 6, line 15, "an other" should be one word.

Claim 7, lines 6-7, "said display" lacks clear antecedent basis.

Claim 7, line 17, "an other" should be one word.

Claim 11, lines 5-6, "said display" lacks clear antecedent basis.

Claim 17, lines 5-6, "said display" lacks clear antecedent basis.

7. This application is in condition for allowance except for the following formal matters: see paragraphs 1-6 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The art cited by applicant on 2/11/04, 6/3/04 and 7/21/06 has been considered. Lancos et al (US 2002/82859), Giralдин et al (US 6424264), Aljadeff et al (US 2003/232598), Ghaffari (US 6804578), Burkhardt et al (US 7023356, eff. date no later than 11/25/02), Won et al (US 6754488) and Mikurak (US 7124101, eff. date 11/22/99) are cited to show the state of the art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM


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AU 2612